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ADMITTED IN N.Y. AND N.J.

October 1, 2014

VIA HAND & ECF DELIVERY

Hon. Richard M. Berman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, N.Y. 10007-1312

RE: U.S. v. DINESH D'SOUZA, 14 CR. 034 (RMB)

Dear Judge Berman:

At the outset, counsel for Mr. D'Souza wants to thank your Honor for the extraordinary kindness this Court demonstrated in agreeing to spare Mr. D'Souza from the harshness of a prison sentence. Indeed, because of the substantial courtesy already extended to the Defendant, we hesitate to even write this letter but feel compelled to do so, especially since the Government does not oppose our request, provided that Mr. D'Souza begins and concludes his period of Community Confinement within the first year of his supervision.

Accordingly, we are asking your Honor to modify the Court's Order in this case so as to allow Mr. D'Souza's sentence of Community Confinement to begin as of January 1, 2015 and continue for 8 consecutive months thereafter.

To be perfectly candid, because counsel for Mr. D'Souza did not anticipate the very creative sentence imposed by the Court, Mr. D'Souza undertook some personal commitments with his daughter as well as several professional commitments that need to be met between now and January 1, 2015. The defendant's commitments over the next few months are many. Professionally, Mr. D'Souza's has contractually committed

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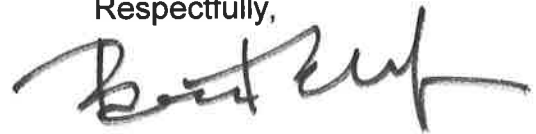
to a number of universities and not for profit organizations over the next few months. Personally, he has also set time aside to spend with his only child Danielle, as November and December provide her with the longest break from school.

Thus, as a practical matter, in anticipation of a prison sentence, the Government and Probation had agreed that Mr. D'Souza was a good candidate to voluntarily surrender to the facility that he would have been designated to. Given that the normal designation process takes between 6-8 weeks, we would have requested of your Honor a surrender date of January 1, 2015. With the Government's consent and the fact that the Defendant is not viewed as a danger to the community or a risk of flight, we felt confident that the Court would grant our request. In the alternative, if the Court had imposed a sentence of straight probation with Community Service as we had requested, we would have not faced these logistical issues either. In reliance on assurances from counsel that it was highly unlikely that he would be confined before January 1, 2015, Mr. D'Souza made these commitments. If anyone is at fault here it is counsel, not Mr. D'Souza. If Mr. D'Souza is permitted to begin his Community Confinement sentence after January 1, 2015 we can avoid many of the personal and professional complications that have now arisen.

We assure your Honor that all other parts of your Honor's sentence will be complied with before the October 15, 2014 conference in New York, including the payment of the \$30,000.00 fine and Special Assessment. In addition, Mr. D'Souza will also begin his Community Service and the personal therapy ordered by your Honor.

Thank you for the courtesy this Court has already extended in this matter and for the additional courtesies your Honor has always extended to counsel in all matters.

Respectfully,

A handwritten signature in black ink, appearing to read "Ben Brafman", with a stylized flourish at the end.

Benjamin Brafman

cc: Carrie Cohen, Assistant United States Attorney (via email: Carrie.Cohen@usdoj.gov)

Dinesh D'Souza